

## REMARKS

The Applicant thanks the Examiner for the careful examination of this application and respectfully requests the entry of the amendments indicated hereinabove.

Claims 49-53 are pending and rejected. Claims 54-56 are new and Claim 49 is amended hereinabove.

Claim 49 positively recites a trench defined by a recess in the dielectric layer where the trench does not extend below a top surface of the substrate. These advantageously claimed features are not taught or suggested by the patents granted to Turner, Chen et al. or Fischer et al.; either alone or in combination.

Turner teaches away from the advantageously claimed invention because Turner teaches a trench that does extend below a top surface of the substrate (column 4 lines 59-66, FIG. 9).

Regarding Claim 53, the Applicant respectfully traverses the statement in the Office Action (page 3) that Fischer et al. "discloses the use of a storage node further that comprises a conducting layer (80) lining the trench and the side of the first contact pillar (70) (For example: See Figure 6)." The Applicant submits that Fischer

et al. teaches the deposition of the conducting layer over the top of the second outer conductive pillar surface, but not on the side of the contact pillar as advantageously claimed (column 3 lines 62-65, FIG. 6).

Though Claim 53 is also rejected over Chen et al., the relevance of Chen et al. to the claimed invention is not stated in the Office Action. The Applicant respectfully submits that Chen et al. is not relevant to the claimed invention because Chen et al. forms a capacitor with no contact pillar (column 4 lines 38-49, FIG. 1H).

Therefore, the Applicant respectfully traverses the Examiner's rejection of Claim 49 and respectfully asserts that Claim 49 is patentable over the patents granted to Turner, Chen et al. and Fischer et al.; either alone or in combination. Furthermore, Claims 50-56 are allowable for depending on allowable independent Claim 49 and, in combination, including limitations not taught or described in the reference of record.

For the reasons stated above, this application is believed to be in condition for allowance. Reexamination and reconsideration is requested.

Respectfully submitted,

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